

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:09-00227

DAVID SHANNON BROWNING

SUPERVISED RELEASE REVOCATION  
MEMORANDUM OPINION AND ORDER

On April 25, 2022, the United States of America appeared by Nicholas M. Miller, Assistant United States Attorney, and the defendant, David Shannon Browning, appeared in person and by his counsel, Brian D. Yost, for a hearing on the petition seeking revocation of supervised release submitted by Senior United States Probation Officer M. Dylan Shaffer. The defendant commenced a thirty-one (31) month term of supervised release in this action on September 30, 2019, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on June 4, 2019.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) on July 13, 2021, the defendant submitted a urine specimen that tested positive for methamphetamine, (2) on December 21, 2021, the defendant sold to a confidential informant, in Fayette County, West Virginia, approximately 3.5 grams of methamphetamine in exchange for Two Hundred and Ten Dollars (\$210.00), (3) on December 22, 2021, the defendant sold to a confidential informant, in Fayette County, West Virginia, approximately 7 grams of methamphetamine in exchange for Three Hundred and Fifty Dollars (\$350.00), (4) on January 4, 2022, the defendant made the sale of approximately 7 grams of methamphetamine as found in the determination of the defendant's guilty plea earlier this date, (5) on January 13, 2022, as a result of a search warrant executed on the defendant's residence in Fayette County, West Virginia, the defendant was found in possession, with intent to distribute, 1.65 grams of methamphetamine and .38 grams of fentanyl, all in violation of federal and state laws; and, all as admitted by the defendant on the record of the hearing, and all as set forth in the petition on supervised release.

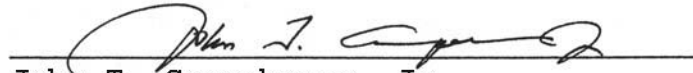
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

It is further ORDERED that the sentencing in this matter be, and hereby is, scheduled for 1:30 p.m. on July 28, 2022.

The defendant was remanded to the custody of the United States Marshal pending sentencing.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: May 27, 2022

  
John T. Copenhaver, Jr.  
Senior United States District Judge